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SUBJECT: UNGA: UNSURPRISING PLENARY DEBATE ON UNSC REFORM

REF: USUN NEW YORK 1053

11. (SBU) Summary: The General Assembly held its annual plenary debate on November 12-13 to discuss Security Council reform, as well as the annual report of the Security Council (reported reftel). Seventy-five delegations spoke and largely reiterated positions expressed during intergovernmental negotiations during the 63rd session. The Group of Four (G4) called for further negotiations on an expansion of both permanent and non-permanent members since that appears to have the broadest support from the membership. They also called for the Chair of intergovernmental negotiations to produce a negotiating text. The Uniting for Consensus (UFC) bloc reiterated opposition to any expansion of permanent members and called only for an expansion of non-permanent members. They also called for further discussion of the intermediate option, which G4 members and supporters reject. The African Group continued to emphasize the Ezulwini Consensus and Sirte Declaration calling for two permanent seats and two additional elected seats for African states. The Libyan representative called for the replacement of all Security Council permanent members with regional group representatives.

12. (SBU) Summary cont'd: In terms of the P-5, the United Kingdom and France supported the G4; they also called for further consideration of the intermediate option. Ambassador Wolff reiterated U.S. support in principle for a limited expansion of both permanent and non-permanent members. Russia urged that the Council be kept small and that there be no infringement upon the current powers of permanent members.

China supported a reasonable reform with increased representation of developing states. Besides demonstrating strong support for the Chair of intergovernmental negotiations, Afghan Perm Rep Tanin, the plenary debate also illustrated the membership's wide dislike of the veto and preference for its abolition. While the G-4 prefer the extension of the veto to new permanent members if the veto is not abolished, the UFC is against any such extension. A number of European states also advocated further consideration of the intermediate option, and small states called for greater opportunities to serve as elected members.

Ambassador Tanin announced in a November 16 letter to the membership that intergovernmental negotiations would resume for a fourth round on December 8 focused on all the positions and proposals of member states. End summary.

13. (SBU) The General Assembly met November 12-13 for a joint plenary debate on Security Council reform, as well as the annual report of the Security Council (reported septel).

Seventy-four member states and one observer (Holy See) took the floor. As the Italian Perm Rep emphasized on the second day, it was clear that no proposal on Security Council reform enjoys the necessary support (i.e., two-thirds of the membership) and negotiations toward a compromise solution must continue. At the end of the debate, Japan and the DPRK exchanged rights of reply in response to the DPRK's comments that Japan would not be a suitable future permanent member of the Security Council since, according to the DPRK Perm Rep, Japan has not recognized and repaired its "crime-woven past."

President of the General Assembly's remarks

¶4. (SBU) In his introduction, President of the General Assembly (PGA) Ali Abdussalam Treki called for a strengthened United Nations that is "more democratic, open and inclusive -- adapted to the changing realities and capable of responding to the challenges that we confront." He underscored that intergovernmental negotiations will continue during the 64th session, as agreed in Decision 63/565 on September 14, 2009, and, per his letter to the membership of October 13, 2009, that Afghan Perm Rep Tanin will continue to chair the negotiations on his behalf. He said that member states would soon be informed of the "way forward to continue these negotiations." He described the challenge ahead to find a "reform model which is comprehensive, and which takes into account the inter-linkages of the five key issues...and accommodates the interests and concerns of all Member States, including the large majority of small and medium states, and the under-represented regions particularly Africa whose legitimate demand to address the historic injustice with

regard to its rightful representation on the Council is yet to be heeded."

Group of Four

¶5. (SBU) India spoke first from the Group of Four (G4) and emphasized that a preference had been expressed by a majority of member states during the previous rounds of intergovernmental negotiations for an expansion in both categories of membership -- permanent and non-permanent. The Indian public delegate pressed for a "text" from Afghan Perm Rep Tanin in order to focus the intergovernmental negotiations and move them forward in a results-oriented manner. He argued that the "institutions of global governance cannot remain chained to the balance of power that existed in 1945" and said that an expansion of only elected seats is not a broad enough reform step. He said that the intermediate option raises more questions than answers and only pushes off reform decisions to the future, thereby eroding the credibility and legitimacy of the Council. The German Charge called for the Chair to provide a text which would narrow down the options in order to begin the negotiation process, and said that there is a majority preference for an expansion in both categories. He also said that any "intermediate solution must be constructed in a fashion so as to pave the way for an expansion in both categories" and rejected other variations of the intermediate model. He specifically called for permanent seats for an "African presence," Brazil and India as countries from the South, and Germany and Japan as countries who significantly contribute to the maintenance of international peace and security.

¶6. (SBU) The Brazilian Deputy Perm Rep echoed the points made by her group colleagues from India and Germany and called for a "concrete outcome" by the end of the 64th session. In order to achieve that, she said it is "imperative to narrow down the options for reform as soon as possible, discarding those that have a very limited chance to achieve the majority required for Charter amendments." She, too, called for a text from Ambassador Tanin. She restated Brazil's position in favor of a Council of 25 members with six new permanent members and four new non-permanent seats, including developing countries in both categories. The

Japanese Perm Rep echoed the statements made by his group and called for an enlarged Council with new permanent members "which have demonstrated well the readiness, capacity and resources to carry through implementation of Security Council decisions." He, too, called for a paper from the Chair but said that if the Chair could not formulate such a paper, then the membership should find "Member States-driven ways to produce it."

Uniting for Consensus

17. (SBU) Uniting for Consensus (UFC) group members reiterated their opposition to any expansion of the Council's permanent membership. The Pakistani Charge called for a reformed Council to be "diverse and plural in context of geographical representation." He emphasized that Africa's demand for permanent seats is for the entire region and different than proposals that seek permanent membership for individual states. (Note: The Swazi Perm Rep later responded and said that the African Group's quest for permanent seats was not for a regional seat. End note.) The Italian Perm Rep also commented on the significant role regional organizations play in the Council's work and called for an "increased regional dimension" in the Council's provisional rules "by contrast to an increase in seats for a tiny group of countries."

18. (SBU) While there is disagreement amongst UFC members on the size of an expanded Council, the South Korean Perm Rep called for an increase in elected seats "to help meet the goal of granting equitable access to all qualified member states, large or small, to serve on the Council" and the Canadian Perm Rep limited his call to a "modest increase" in elected members. Several UFC members underlined that the proposal put forward in April 2009 by UFC members Italy and Colombia showed a willingness to review their previous model

and renounce maximalist positions in an effort to reach a compromise that can garner the "widest possible political acceptance."

19. (SBU) UFC members also underscored the need to maintain the linkage between the five key issues and called for comprehensive reform based on the principle of a single undertaking. (Note: In contrast, the Filipino Perm Rep (not a UFC member) issued a call for "what can be adopted now must be approved now. End note.) The Spanish Perm Rep specifically noted that "some delegations have refused to tackle some of these issues, such as 'the question of the veto,' 'working methods' and 'the relationship between the Security Council and the General Assembly.'" (Comment: U.S. statements during intergovernmental negotiations, as well as those of other P-5 members, have emphasized that prolonged discussion of these three issues are not "fruitful avenues" for discussion and could lead to impasse at the expense of progress on expansion. End comment.)

African Group

10. (SBU) Fifteen African delegations spoke during the plenary debate. The Sierra Leone Perm Rep spoke first on behalf of the African Group. He described the pace of the reform effort to date as "not to our liking" but noted that delegations have "remained remarkably engaged with interest."

Given that the Council spends 70 percent of its time on issues relating to Africa, he reiterated Africa's common position reflected in the Ezulwini Consensus and the Sirte Declaration for no less than two permanent seats with all privileges (including the veto) and two additional non-permanent seats for Africa, with "the African Union being credited the responsibility for the selection of Africa's candidates." (Comment: Despite this description, he and the Swazi Perm Rep both claimed that this would not be a regional seat; however, it could run contrary to the U.S. position that any permanent seat must be country-specific and the country to be added as a permanent member of the Security

Council would have to be designated by name in any specific UN Charter amendment. End comment.) He said it is "Africa's determined position" that the "intermediary/transitional/or intermediate approach ought not to factor as a viable proposition" since it predated and did not emerge from intergovernmental negotiations.

¶11. (SBU) The South African Perm Rep joined with the G4 and called for Tanin to produce a compromise text which makes "an attempt at narrowing down the options, focusing on those that are likely to garner the widest required and necessary support." He noted that an expansion in both categories "commanded the most support," according to the Chair's July 16, 2009 letter to the membership. The Nigerian and Mauritian Perm Reps also called for Tanin to produce a compromise text. The Egyptian Perm Rep, who often joins the UFC, argued against narrowing down the options and called for all proposals to stay under consideration. He also stressed Egypt's conviction that the Council's effectiveness is not linked to the size of an enlarged Council. Like the rest of the African Group, he argued against consideration of the intermediate option since it does not respond to Africa's demands.

¶12. (SBU) While the Libyan representative upheld the Ezulwini Consensus and the Sirte Declaration, he then commented that the Council has failed, given the extreme misuse of veto rights to achieve narrow national interests. In order to rid the Council of national selfishness, he called for the replacement of permanent members with members from regional groups. He specifically named Africa, the European Union, ASEAN, and included the "United States" as potential regional permanent members.

Permanent Members

¶13. (SBU) Ambassador Wolff delivered the U.S. remarks which can be found on the USUN website (usun.state.gov/briefing/statements/2009/1319_36.htm) and emphasized that the United States is open in principle to a limited expansion of both permanent and non-permanent members

and that any expansion of permanent members must be country-specific and take into account the ability of countries to contribute to the maintenance of international peace and security and the other purposes of the United Nations. He said that the United States is not open to an enlargement of the Council by a Charter amendment that changes the current veto structure and that whatever formula that emerges for an expansion should bear in mind Charter requirements for ratification.

¶14. (SBU) The new UK Perm Rep, speaking for the first time in the GA, reiterated UK support for permanent membership for Brazil, Germany, India, and Japan, as well as "permanent representation for Africa." He urged that the focus of the 64th session be on maintaining the momentum begun in intergovernmental negotiations last session. He welcomed the third round session on the intermediate model and said it might be a "means of ending the deadlock, and providing a stepping stone towards permanent reform." The French Perm Rep also supported the Group of Four for permanent member status and "an increased presence of African countries within the Security Council, in particular among its permanent members." He also noted the "question of the presence of an Arab state as part of the permanent members of the Security Council" but said that any expansion should not detract from the Council's effectiveness or credibility. He, too, argued in favor of the intermediate option, and joined the G4 in calling for a "document from the President in charge of the negotiations highlighting the main parameters of the reform, in particular the composition of the Security Council." (Comment: The French position appears to be hewing closer to the German position. Our UK colleagues have even commented on this to us. End comment.)

¶15. (SBU) The Russian Perm Rep voiced his government's

support of making the Council more representative but not at the peril of becoming less effective. He urged keeping the Council small and warned against any infringement on the current powers of the permanent members. He said any reform should garner the support of more than two-thirds of member states. He voiced a continued willingness to discuss the intermediate option and urged that intergovernmental negotiations be continued in a calm and transparent manner with all options discussed. The Chinese Perm Rep said that China supports a "reasonable reform of the Security Council" with increased representation, especially of developing states, but admitted the issue is "complicated and delicate."

Wide dislike of the veto

¶16. (SBU) One of the few themes running through the vast majority of statements, regardless of group affiliation, was a widespread dislike of permanent members' veto rights and preference to abolish the veto. If abolition is not possible, the G4 and African Group members and their supporters seek to extend the veto to all new permanent members so as to not create a new category of permanent members with a lower status. UFC members also argued in favor of the abolition of the veto but were loathe to extend it to any new permanent members since they are stridently opposed to new permanent members. G4 members noted that any new veto rights would not be exercised by new members until a future reform conference, while others argued for limiting the veto's application to only Chapter VII matters, banning its use on issues of genocide, war crimes, or violations of international humanitarian law, or increasing the threshold for its use to two permanent members having to exercise it for it to take effect or granting override powers to a supermajority of the Council or the General Assembly. Most of the P-5 were clear in their statements that they would not support any change to current members' veto rights.

Intermediate option favored
by many European states

¶17. (SBU) In addition to permanent members France and UK who are promoting the intermediate option, a number of other European states (who are not members of one of the other major groups) appear to be wholeheartedly behind the concept as well, including Liechtenstein, the Netherlands, and

Switzerland, as the only "realistic option to break the deadlock."

Small states call for
greater representation

¶18. (SBU) The Perm Rep of Barbados, who spoke on behalf of CARICOM, voiced support for the G4 and African Group positions and also called for an increase in elected seats to enable more small states, particularly small island developing states, to have more opportunities to serve on the Council.

Next step: Fourth
round starts Dec. 8

¶19. (SBU) As the PGA summed up at the end of the plenary debate, there continues to be strong interest in intergovernmental negotiations and strong support for Ambassador Tanin's chairmanship of the intergovernmental negotiations but little agreement on anything else. On November 16, Ambassador Tanin circulated a letter to the membership proposing to start the fourth round of intergovernmental negotiations on December 8. He said the first meeting would "revolve around all the positions and proposals by Member States on the table by now and by then. A second exchange of the fourth round would "revolve around areas of convergence."

